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5 Attorney for Defendant
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8 MONTANA THIRTEENTH JUDICIAL DISTRICT COURT, YELLOWSTONE COUNTY

9 STATE OF MONTANA,

10 Plaintiff,

11 vs.

12 LIONEL SCOTT ELLISON,

13 Defendant.
14

) Case No.: DC 11-0767
)
) Judge: Russell C. Fagg
)
) **DEFENDANT'S REVISED NOTICE OF**
) **INTENT TO CALL WITNESSES AND TO**
) **INTRODUCE EXHIBITS AT TRIAL**
)
)
)

15
16 COMES NOW Defendant, Lionel Scott Ellison, by and through his attorney of record,
17 Elizabeth J. Honaker, and respectfully submits the following revised list of witnesses that may
18 potentially be called by the Defendant in the above-captioned case.

- 19 (1) Defendant
20 (2) Claude Ellison
21 944 Steffanich
Billings, MT 59105

22 Personal knowledge of condition of subject property prior to, and after, the
23 Bogues' residency; personal knowledge of the personal property owned by
24 Defendant and his parents that was missing from the premises; personal
25 knowledge of conversation with Yellowstone County Sheriff deputy who
informed him that the Bogues had brought back Defendant's horse and some
other personal property that they had taken.

COPY

1 (3) Greg Stovall
2 208 North 29th Street
3 Billings, MT 59101
4 (406) 861-6956

5 Private Investigator, for Honaker Law Firm, who accompanied Defendant to the
6 subject property prior to the Bogue's residence and has personal knowledge of the
7 condition of the residence prior to he Bogues. Also, he accompanied Defendant
8 to Western Pawn shop and found items owned by Defendant that Blaine Bogue
9 had pawned.

10 (4) Patrick Sweeney, Attorney
11 2817 Second Ave. N., Suite 203
12 Billings, MT 59104

13 Defendant's attorney for dissolution of marriage. Assisted Defendant with default
14 by Bogues of rental and land contracts; conversations with Traveler's Insurance;
15 telephone conversations with the Bogues.

16 (5) Travis Sukat
17 TLS Construction Inc.
18 4194 Morgan Avenue
19 Billings, MT 59101
20 Remodeling Contractor Expert

21 Provide expert opinion as to estimation of costs of repairs to damage to subject
22 property, exterior and interior. Also, he collected the samples that were tested for
23 mold.

24 (6) Blaine and Becky Bogue
25 Address Unknown
Washington State

Personal knowledge of condition of subject property prior to, and after, their
residency; personal knowledge of default on agreements with Defendant; personal
knowledge of taking of personal property owned by Defendant and returning
some of the property at the direction of the Yellowstone County Sheriff's Office;
personal knowledge of damage done to subject residence; personal knowledge of
pawning items owned by Defendant at Western Pawn.

(7) Sheriff Mike Linder

Personal knowledge of meeting with Defendant and his attorneys on January 20,
2011, regarding missing property; and personal knowledge of direction to sheriff
deputy to take statement at Defendant's parents' residence.

1
2 (8) H.O. Hanson
Western Pawn manager, employee, or owner

3 Personal knowledge of Defendant and Greg Stovall discovering items owned by
4 Defendant pawned at Western Pawn by Blaine Bogue and of law enforcement
taking a statement and ordering a hold on the property.

5
6 (9) Rod Souza, Yellowstone County Deputy Attorney

7 Personal knowledge of Defendant's attorneys contacting him on numerous
8 occasions for purposes of inquiry in to the action being taken on the stolen goods
pawned by Blaine Bogue at Western Pawn; and of the State's failure to charge
Bogue.

9 (10) Officer Evans and other law enforcement at Western Pawn on 9/28/2011.

10 (11) Any and all law enforcement officers, insurance representatives, State of Montana
11 officials, or other witnesses named, listed, or referenced on reports, interviews
12 and statements provided in discovery by the State of Montana to Defendant.

13 (12) Any witnesses listed or called by the State; and

14 (13) Any other necessary rebuttal witnesses.

15 **The following papers, documents, photographs and other tangible objects may be**
16 **used by Defendant at trial:**

17 (1) Documentation/Receipt by Yellowstone Electric Coop. for date of March 11,
18 2011, when electricity was turned off at subject residence.

19 (2) Copy of Property Rental Agreement between Defendant and Bogues, dated May
20 30, 2010;

21 (3) Land Contract between Defendant and Bogues, dated May 30, 2010;

22 (4) Copy of Termination of Land Contract, Notice to Vacate, dated July 2, 2010;

23 (5) Copy of letter and Email to Blaine and Becky Bogue from Defendant, dated July
24 8, 2010;

25 (6) Notice of Default and Termination of Land Contract, dated August 19, 2010;

- (7) Notice of Default provided by Defendant's attorney, Patrick Sweeney, to the Bogues, dated 11/23/2010;
- (8) Two checks written to Defendant by Bogues, NSF on the check dated 6-28-2010;
- (9) Bank of America Mortgage Loan History;
- (10) Photographs of subject property prior to Bogues' residency;
- (11) Copy of No Trespassing Notice on subject property;
- (12) Copy of Administrative Warrant by Yellowstone County, dated September 28, 2011, signed by H.O. Hanson, pawnbroker, and by Sheriff Mike Linder and by Deputy Smith;
- (13) Receipt for purchase of bare back rig western leather on 12/9/2011 by Western Pawnbrokers;
- (14) Copy of Travelers Insurance Policy provided to Attorney Patrick Sweeney on 8/3/2011;
- (15) CD of Photographs taken of subject property from 2001 to 2011, prior to residency by Bogues;
- (16) Handwritten list of personal property stored at subject property and missing after Bogues vacated the premises;
- (17) EM Lab P&K Report/Analysis of mold growth at subject residence;
- (18) Any exhibit listed by the State at any time;
- (19) Any exhibit or documentation or object currently in the State's possession seized pursuant to a search warrant;
- (20) Any discovery or exhibit introduced by the State at trial;
- (21) Any evidence, documentation, papers, copies of emails, reports, CD's, DVD's, handwriting analysis, telephone backup reports, photographs, telephone records, computer print-outs, or any and all other evidence or discovery provided by the

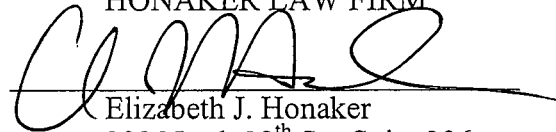
1 State to Defendant during the course of this criminal proceeding (State in
2 possession of all originals); and

3 (22) Any necessary rebuttal evidence.

4 Defendant reserves the right to supplement his notice of witnesses and exhibits prior to
5 the date of trial.

6 DATED this 5th day of March, 2012.

7 HONAKER LAW FIRM

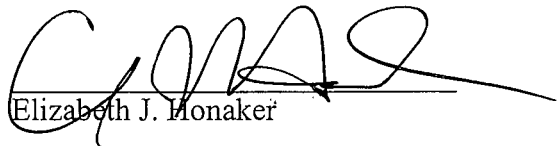
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9 Elizabeth J. Honaker
10 208 North 29th St., Suite 206
11 P.O. Box 2236
12 Billings, MT 5103-2236
13 Attorney for Defendant

14 **CERTIFICATE OF SERVICE**

15 The undersigned hereby certifies that a true and correct copy of the foregoing document
16 was sent via email, and first class mail, postage prepaid, on the 5th day of March, 2012, to the
17 following:

18 Jameson C. Walker
19 Special Yellowstone County Attorney
20 Room 701, County Courthouse
21 P.O. Box 35025
22 Billings, MT 59107

23 
24 Elizabeth J. Honaker
25